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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10 UNITED STATES OF AMERICA,

No. CR 11-331 MMC

11 Plaintiff,

12 v.

**ORDER GRANTING MOTION TO
WITHDRAW AS ATTORNEY; DENYING
WITHOUT PREJUDICE MOTION FOR
LEAVE TO FILE NOTICE OF APPEAL**

13 PETE AGAPITO CHAVEZ,

14 Defendant.
_____ /

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16 Before the Court is defendant's "Application for Leave to File Notice of Appeal and
17 for Appointment of New Counsel," filed January 21, 2013 by Martin Sabelli, counsel of
18 record for defendant.

19 1. To the extent the motion seeks an order permitting Mr. Sabelli to withdraw as
20 counsel of record, the motion is hereby GRANTED, and the case is referred to the Federal
21 Public Defender's Office for the purpose of locating new counsel for defendant.

22 2. To the extent the motion seeks an order affording defendant leave to file an
23 untimely notice of appeal, the motion is hereby DENIED without prejudice to defendant's
24 new counsel filing such a motion, should said counsel deem it appropriate to do so.

25 **IT IS SO ORDERED.**

26 Dated: January 25, 2013

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MAXINE M. CHESNEY
United States District Judge
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